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SUBJECT: ASSESSING MEXICAN MILITARY'S HUMAN RIGHTS TRACK
RECORD

¶1. (SBU) Summary: By historic standards in the region, Mexican military's track record on human rights is good, but not perfect. However, prevailing military attitudes and practices -- and incomplete and inaccurate chronicling of alleged military abuses by human rights organizations -- reinforce the contention in a ten year old UN assessment that "military personnel appear to be immune from civilian justice and generally protected by military justice." The institution has taken steps in recent months to address the issue of accountability for soldiers accused of rights abuses, but it remains reluctant to fully engage civil society here on the issue. This is the first of three cables describing the difficulties in assessing the military's human rights track record, its relations with civil society, and its complicated code of justice which allows it to retain jurisdiction over serious criminal offenses involving soldiers. End Summary.

Mexican Military Still Rates High Among Public

¶2. (U) In comparison to other Mexican security elements (particularly state and local), Mexico's military has a good reputation for honesty and professionalism. In polls, it consistently garners higher approval ratings than most other institutions in Mexico. In the past year and a half, more than 27,000 soldiers have been deployed throughout Mexico in ten states. They are a highly visible presence in narco-hot zones, patrolling in the streets of contested cities, aggressively chasing down suspected cartel hit men, manning roadblocks, digging up marijuana plants -- even occasionally taking on civil functions such as manning ports of entry along the insecure northeastern border.

¶3. (U) The Mexican public's support for Calderon's use of the military in the battle against the Cartels seems to be holding up. 57% of respondents to a June 2008 poll still approved of Calderon's overall counter narcotics strategy, which puts the institution front and center -- although about half said they believed the military had committed rights violations in the course of its duties.

Accusations Frequent, Definitions of Rights Violations Fuzzy

¶4. (SBU) Beyond that, however, there is very little agreement in Mexico regarding the nature and scope of military human rights abuses. Human rights abuse accusations against the military, although less frequent than those leveled at civilian police forces around the country, number in the hundreds each year. Media have reported in recent weeks that since the beginning of President Calderon's drive against the cartels, Mexico's National Human Rights Commission (CNDH) has "documented" 634 human rights complaints against the military. CNDH itself says it has received 556 preliminary rights complaints so far this year.

15. (SBU) These numbers are deceptive, however. CNDH takes all manner of complaints against officials, including many that would not normally be categorized as human rights abuses. Last year, the organization estimated that more than 80 percent of the complaints it registered were for dereliction of duty, which typically involves a soldier or policeman who fails to respond to a request for assistance from a civilian. The organization has yet to provide us with a breakdown for this year, and it remains unclear why CNDH considers these types of complaints to be human rights related.

16. (SBU) Further complicating the picture is that many organizations take a very broad view of human rights violations that inflates, and sometimes trivializes the issue. Two years ago, for example, the Mexico City Human Rights Commission charged the leftist opposition party with violating the rights of city commuters through its protracted blockade of major capital boulevards to protest the outcome of the presidential elections. In late June of this year, the city commission took a complaint from the police officer in charge of the botched raid on a local nightclub, which left 12 dead in a stampede, that his own had been violated by accusations against his conduct during the raid. (Rights accusations are also being lodged against officers involved in the raid.) Like police and other security officials, soldiers are often the subject of complaints from citizens that we would qualify as trivial.

17. (U) Soldiers are also sometimes smeared outright by those who most want to see them return to the barracks. Last

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month banners appeared throughout the north central city of Torreon, charging that senior military officials were deliberately carrying out widespread human rights abuses in the region. The banners also charged the officials with colluding with the Sinaloa cartel and analysts quickly tagged their authors as being associated with the rival Arturo Beltran Leiva organization. Similar campaigns to muddy the waters against the military have been carried out in other northern and border cities.

18. (SBU) CNDH tells us that typically most complaints are either dismissed or resolved without the organization having to take the next step, which is to issue a formal recommendation based on a more complete investigation. Until CNDH makes more specific information available to us, it will be difficult to qualify the seriousness of the 556 complaints against the military, but clearly the figure cited in the media greatly exaggerates the scope of the problem here.

Hard Cases Being Investigated

19. (SBU) Definitional differences and smear tactics aside, there are credible rights allegations which most organizations agree are serious and to which they give sustained attention. CNDH and non-governmental organizations focused on six such cases in 2007. (These were reported in our annual human rights report.) So far this year, CNDH told us it has begun formal investigations into nine incidents. On July 10, its president announced he would make eight formal recommendations to the military the following day. It is unclear which incidents the organization will include, but seven of those it said it was investigating involved fatal shootings at military checkpoints or installations (see below). One involved the seizure and alleged abuse of Salvadoran migrants by members of the Mexican Navy. Another involved the alleged abduction and sexual humiliation of policewomen by the soldiers in the city of Ciudad Juarez. (Comment: SEDENA told our DATT that its attempts to interview the alleged victims and collect physical and medical evidence in the latter case were stymied

by their refusal to cooperate.)

Roadblock Shootings on the Rise

¶11. (U) There have been seven reported shootings of civilians by soldiers at military checkpoints so far this year. Many rights workers say these shootings constitute a pattern of gross violations of human rights. Most incidents appear to be more in the nature of tragic chains of bad judgment, however. In a recent case, for example, on June 8 three young men were driving erratically along a dark road in the state of Chihuahua early on a Sunday morning, failed to stop at a military checkpoint and knocked down (and fatally injured, by one account) a soldier manning it. Fellow soldiers repeatedly fired into the car when it hit a cement barrier. All three in the car died, along with a bystander.

¶12. (U) NGOs say the uptick in such incidents demonstrates the institution's unwillingness to properly train soldiers and put in place procedures to prevent such occurrences. While not "gross violations of human rights" by international standards, these incidents clearly involve serious breaches of military discipline and professionalism. The Embassy will be watching closely in coming months for signs SEDENA is fully investigating them -- and taking measures to avoid future tragedies.

¶13. (SBU) Comment: That individuals and organizations in Mexico cannot agree on what does and does not constitute a violation of human rights significantly complicates discussion of the issue in Mexico. While there are certainly credible accusations against soldiers, until the public and government refine their definitions, it will remain difficult to sort them from the large number of unsubstantiated charges.

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